

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES COURTS  
SOUTHERN DISTRICT OF TEXAS  
FILED  
DEC 13 2013

**David J. Bradley, Clerk of Court**

Cheri LaBlanche )  
Plaintiff, )  
Vs. )  
National Board of Medical Examiners - (NBME) ) Civil Action No.4:13-CV-00204  
Federation of State Medical Boards - (FSMB) )  
Educational Commission for Foreign Medical )  
Graduates - (ECFMG) )  
Jointly and Severally, - Defendants, )

PLAINTIFF'S SUMMARY JUDGEMENT OF INJUNCTIVE RELIEF FOR:

- (I) 8/30/2013 - **DIAGNOSED CVS**
- (II) EQUITY CHOICE and
- (III) EQUITY NATIONAL STANDARD

I. CLAIM FOR PAPER BASE TEST DEMAND  
*((TO ELIMINATE COMPUTER VISION SYNDROME - CVS))*  
*DUE TO PLAINTIFF'S 8/30/2013 CVS DIAGNOSIS*

On 8/30/2013 Plaintiff was diagnosed with **Computer Vision Syndrome; (CVS)** is a legal, medical, and physical, **IMPAIRMENT** identified and recognized by the American Ophthalmology Association (AOA), and by the U.S. Center for Disease Control (CDC). CVS does not meet the standard, classification, or definition for accommodations as a **DISABILITY**, via the Americans with Disabilities Act (ADA); but Plaintiff does refer to the **SPIRIT OF THE LAW - (ADA) Accommodations**; with regard to her documented, exhibited, identified, and **DIAGNOSED IMPAIRMENT** of **COMPUTER HEADACHES** aka **COMPUTER VISION SYNDROME (CVS)**.

**Plaintiff did comply with Dr. Vu Nguyen's diagnosed prescribed tasks, in the attempt to relieve and / or reduce the associated symptoms of CVS; but symptoms did PERSIST! Please see the 8/30/2013 diagnosis Exhibit O attached.**

Defendant's sworn affidavit summary judgment responses do confirm and corroborate, that Plaintiff was indeed repetitively and informally **DENIED** paper based examination requests, via numerous informal test site and telephonic communications. Please see the following Defendants' summary response quotes:

Defendants' Exhibit A page 3 item 8 ... .. "Since changing to CBT IN 1999, the three computer based steps have been administered over a million times, and NO EXAMINEE, including individuals who applied for and were granted accommodations, has been permitted to take USMLE in paper and pencil format."

Defendants' Exhibit A page 3 item 9 ... .. "Even if a paper version of the examination existed - **((which it does not))** – we could not represent to score recipients that a score received on a paper-based examination ... "

*And finally Defendant repetitively denied Plaintiffs multiple test site and telephonic informal requests for paper base test accommodation; due to the fact that CVS does not meet the standard, classification, or definition for accommodations as a DISABILITY, via the Americans with Disabilities Act (ADA).*

Regarding ANY genuine issue or dispute as to the material facts of this claim; Defendants' **CANNOT OFFER ANY OPPOSITION** for the same as petitioned by Plaintiff; and of those similarly situated. Again there is NO genuine issue or dispute as to this claim and material facts; therefore and most respectfully Plaintiff is entitled to favorable judgment as a matter of law.

**\*\*\* PAPER EXAMINATIONS ARE THE ((ONLY)) REMEDY TO COMPLETELY ELIMINATE (CVS). Further please see Plaintiff's Exhibits A1 – A4 and B1 – B9. \*\*\***

**II. CLAIM FOR PAPER BASE TEST DEMAND FOR  
((EQUITY CHOICE EXCHANGE)) OF DEFENDANTS' TOTAL TEST FEE COSTS OF \$3,195.00  
AND AVERAGE MEDICAL SCHOOL COSTS OF \$200.000**

Regarding ANY genuine issue or dispute as to the material facts of this claim; Defendants' are **MUTE** and offer **NO OPPOSITION** for the same as petitioned on behalf of Plaintiff; and of those similarly situated.

Relative to the sheer magnitude and importance of this claim, which are defined by the years of Education, Costs, Sacrifices, and the Subject Examinations; These have and will determine Plaintiff's current monetary and human investments, regarding her future, carrier path, and life goals; These are indeed worthy of Plaintiff being entitled to judgment as a matter of law, for the Equity Choice Exchange payment of the **remarkable** and **sizeable** total test fees cost of **\$3,195** ... and if failure of any step test; full costs are required for additional attempts.

There is NO genuine issue or dispute as to this claim and material fact; therefore and most respectfully Plaintiff is entitled to favorable judgment as a matter of law.

**III. CLAIM FOR PAPER BASE TEST DEMAND FOR  
((EQUITY NATIONAL STANDARD NORM OPTION VERSES COMPUTER))**

Regarding ANY genuine issue or dispute as to the material facts of this claim; Defendants' are **MUTE** and offer **NO OPPOSITION** for the same as petitioned on behalf of Plaintiff; and of those similarly situated.

The Equity National Standard Norm Option and choice of exam format, via Paper or Computer, is confirmed, established, and exemplified by Texas, U.S. States, and U.S. Territories via **(1) STATE NURSING CERTIFICATION / LICENSURE EXAMS; (2) State Bar Certification / Licensure Exams, (3) State Teacher Certifications / Licensure Exams, etc.**

There is NO genuine issue or dispute as to this claim and material fact; therefore and most respectfully Plaintiff is entitled to favorable judgment as a matter of law.

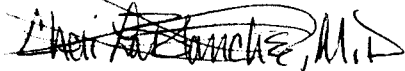
PAPER EXAMINATIONS ARE THE (( ONLY )) REMEDY TO COMPLETELY ELIMINATE (CVS). Please see Plaintiff's Exhibits A1 – A4 and B1 – B9.

There is NO genuine issue or dispute as to this claim and material fact; therefore and most respectfully Plaintiff is entitled to favorable judgment as a matter of law.

#### IV. SUMMARY JUDGMENT AFFIDAVIT & CERTIFICATE OF SERVICE

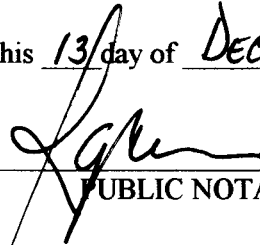
I declare under penalty of perjury and am competent to testify based on my personal knowledge; that this RESPONSE TO DEFENDANTS' SUMMARY JUDGEMENT REPLY is true and correct. I also certify that a true and correct copy of this was forwarded to Defendants' Counsel of record

Respectfully Submitted,



Cheri LaBlanche - Plaintiff  
12806 Southspring Dr.  
Houston, TX. 77047  
713 733 9777

SIGNED on this 13 day of December 2013.



PUBLIC NOTARY

